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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,960	12/14/2004	Douglas Ray Duquette	05-1124	3767
36910 7590 04/23/2008 MBHB/TRADING TECHNOLOGIES 300 SOUTH WACKER DRIVE SUITE 3200 CHICAGO, IL 60606				
EXAMINER				
VEZERIS, JAMES A				
ART UNIT		PAPER NUMBER		
3693				
MAIL DATE		DELIVERY MODE		
04/23/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/517,960

**Applicant(s)**

DUQUETTE, DOUGLAS RAY

**Examiner**

JAMES A. VEZERIS

**Art Unit**

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-8 and 36-38 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 5-8 and 36-38 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 3/11/2008  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **Detailed Action**

#### **Status of Claim**

1. Claims 1-4, 9-11, 15-16, 32-34, 40, 41, and 42-49 are withdrawn.
2. Claims 5-8 and 36-38 were elected with traverse.

Examiner notes that no argument was made for the traversal and claims 5-8 and 36-38 will be examined as currently presented.

3. Examiner also notes that since the national stage entry was filed more than 18 months after the international filing date, priority will not be granted, and claims will be review with the priority date of 12/14/2004.

#### **Specification Objections**

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;

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- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

- 2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### **Claim Objections**

- 3. Claim 8 is objected to because of the following informalities: It is unclear in the following exactly what is being claimed. "...adjacent said first axis such that said at least one proposed transaction price is aligned with a position corresponding to said proposed transaction price on said first axis." It is assumed the applicant wants to align a proposed transaction price with the selected security. Appropriate correction is required.

### **Claim Rejections- 35 U.S.C. 102(b)**

- 4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5-8, 36, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by US PG-Pub 2002/0052827 to Waelbroeck et al. (Hereinafter "Waelbroeck").

**Regarding Claim 5.**

Waelbroeck teaches a trader workstation for displaying securities market transaction information comprising the steps of:

- a. receiving transaction information regarding a selected security, said information including price of at least one trade; (See figure 9 paragraph 185)
- b. receiving order book information regarding a selected security; (See figure 9 paragraph 185)
- c. determining responsive to said transaction information and said order book information whether each of a user-selected range of trades represented in said transaction information was seller-initiated or buyer-initiated; (See figure 9 paragraph 185) Examiner notes once can see when a partner initiates or just fulfills an order.
- d. displaying for each trade of a user-selected security within said user-selected range of transactions represented in said transaction information an indicium representing said price of such trade, said indicium having an appearance distinguishing between buyer-initiated and seller-initiated trades; (See figure 9 paragraph 185)
- e. displaying at least a subset of said order book information relating to said user-selected security adjacent said indicia. (See figure 9 paragraph 185) Examiner notes

qty.

**Regarding Claim 6.**

Waelbroeck further teaches wherein said step d. thereof further comprises the step of:

displaying said trades in a two-dimensional chart having a first axis representing trade price and a second axis representing time. (See figure 9 paragraph 185)

**Regarding Claim 7.**

Waelbroeck further teaches:

grouping said trades into one or more auction events, the trades in each auction event being related to one another as determined by user-selectable criteria; (See figure 9 paragraph 185)

and wherein said step d. thereof further comprises the step of:

displaying said trades in a two-dimensional chart having a first axis representing trade price and a second axis representing time of initiation of an auction event. (See figure 9 paragraph 185)

**Regarding Claim 8.**

Waelbroeck further teaches wherein said order book information includes at least one proposed transaction price, and said step e. thereof further comprises the step of:

displaying at least a subset of said order book information adjacent said first axis such that said at least one proposed transaction price is aligned with a position corresponding to said proposed transaction price on said first axis. (See figure 9 paragraph 185) Examiner notes fill price is a proposed transaction price.

**Regarding Claim 36.**

Waelbroeck further teaches wherein said step of receiving order book information further comprises:

receiving said order book information as part of a universal data structure including at least one bid price and a respective quantity of units sought to be purchased at each of such bid prices, and at least one offer price and a respective quantity of units sought to be sold at each of such offer prices. (See figure 9 paragraph 185) Examiner notes fill price is either a bid price or sell price.

**Regarding Claim 38.**

The method of claim 5, wherein said steps of receiving transaction information and receiving order book information further comprise:

receiving said transaction information and order book information regarding said selected security from an exchange server operatively coupled to a market data system of a securities exchange using a universal data structure for data from all exchanges and for all products traded. (See paragraph 12)

**Claim Rejections- 35 U.S.C. 103(a)**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waelbroeck in view of US PG-Pub 2003/0069834 to Cutler (Hereinafter "Cutler").

**Regarding Claim 37.**

Waelbroeck further teaches:

receiving a universal data structure including, for said at least one security: (See figure 9 paragraph 185)

Waelbroeck fails to teach a change in price observed since the current trading day began a lowest trade price observed for said security during a current trading day; a highest trade price observed for said security during the current trading day.

Cutler does teach a change in price observed since the current trading day began a lowest trade price observed for said security during a current trading day; a highest trade price observed for said security during the current trading day.

It would be obvious to one skilled in the art at the time of the invention to combine the system of Waelbroeck with the information accessed in Cutler.

There is motivation to do so because with the high and low prices of the day, Waelbroeck's users would know if the prices they are seeing are comparable to the day's range, helping the user get a fair price during a trade.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES A. VEZERIS whose telephone number is



(571)270-1580. The examiner can normally be reached on Monday-alt. Fridays  
7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/  
Supervisory Patent Examiner, Art Unit 3693

/JAMES A VEZERIS/  
Examiner, Art Unit 3693

4/21/2008